

1 SENATE JOINT RESOLUTION 1

2 **45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

3 INTRODUCED BY

4 Joseph J. Carraro

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 6 OF THE
12 CONSTITUTION OF NEW MEXICO TO CHANGE THE STATE BOARD OF
13 EDUCATION TO AN APPOINTED BOARD AND TO CHANGE THE STATE
14 DEPARTMENT OF PUBLIC EDUCATION TO A CABINET DEPARTMENT HEADED
15 BY A SECRETARY OF PUBLIC EDUCATION WHO SHALL SERVE IN THE
16 EXECUTIVE CABINET.

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18 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 Section 1. It is proposed to amend Article 12, Section 6
20 of the constitution of New Mexico to read:

21 "A. There is hereby created a "~~state department~~
22 ~~of]~~ public education ~~[and a "state board of education". The~~
23 ~~state board of education]~~ department" within the executive
24 department headed by a secretary of public education who shall
25 be appointed by the governor with the consent of the senate to
serve as a member of the governor's cabinet. The public
education department shall determine public school policy and
vocational educational policy and shall have control,
management and direction, including financial direction,

.139896.1

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1 distribution of school funds and financial accounting for all
2 public schools, pursuant to authority and powers provided by
3 law. ~~[The board shall appoint a qualified, experienced~~
4 ~~educational administrator to be known as]~~ The ~~[superintendent]~~
5 secretary of public ~~[instruction who]~~ education shall ~~[subject~~
6 ~~to the policies established by the board]~~ direct the operation
7 of the ~~[state department of]~~ public education department as
8 provided by law.

9 ~~[B. Ten members of the state board of education~~
10 ~~who shall be state officers shall be elected for staggered~~
11 ~~terms of four years as provided by law. Board members shall~~
12 ~~be residents of the board of education district from which~~
13 ~~they are elected. Change of residence of a board member to a~~
14 ~~place outside the district from which he was elected shall~~
15 ~~automatically terminate the term of that member.~~

16 ~~C. Five members of the state board of education~~
17 ~~who shall be state officers shall be nominated and by and with~~
18 ~~the consent of the senate appointed by the governor from five~~
19 ~~districts substantially equal in population for staggered~~
20 ~~four-year terms as provided by law. Those appointed by the~~
21 ~~governor shall be qualified electors of the state of New~~
22 ~~Mexico, no more than one-half or a simple majority of whom at~~
23 ~~the time of their appointment shall be members of the same~~
24 ~~political party. After 1990, the number of appointed members~~
25 ~~may be changed by law not to exceed five members.~~

~~D. The governor shall fill vacancies on the board~~
~~by appointment of a resident from the district in which the~~
~~vacancy occurs until the next regular election for membership~~
~~on the board.~~

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~~E. Upon adoption of this amendment]~~

B. The governor shall appoint an advisory "state board of education" as provided by law.

C. All functions relating to the distribution of school funds and financial accounting for the public schools shall be transferred to the [state department of] public education department to be performed as provided by law.

D. The state board of education in existence at the time of adoption of this amendment shall cease to exist and the terms of state board of education members shall expire on December 31 of the year this amendment is adopted."

Section 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.